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201-489-3000

201-489-1536 Facsimile

Attorneys for Plaintiff, Van Ness Plastic Molding Co., Inc.

<hr/>	:	UNITED STATES DISTRICT COURT
VAN NESS PLASTIC MOLDING CO. INC.,	:	FOR THE DISTRICT OF NEW JERSEY
	:	CIVIL ACTION NO.
Plaintiff,	:	
	:	
v.	:	
	:	<b>COMPLAINT AND JURY DEMAND</b>
INCREDIBLE SOLUTIONS, INC.,	:	
	:	
Defendant.	:	
<hr/>	:	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Van Ness Plastic Molding Co. Inc. ("Van Ness"), hereby files this Complaint for Patent Infringement against Incredible Solutions, Inc. alleging as follows:

**NATURE OF THE ACTION AND SUBJECT MATTER JURISDICTION**

1. This is an action for patent infringement arising under the Patent Laws of the United State 35 U.S.C. §§ 1 *et seq.* and in particular arising under 35 U.S.C. § 271.

2. This Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. § 281 and 28 U.S.C. §§ 1331 and 1338 because this action arises under the laws of the United States relating to patents. The activities of Incredible Solutions, Inc. described herein are sufficient to subject it to the personal jurisdiction of this Court.

### **PARTIES**

3. Van Ness is a corporation organized and existing under the laws of the State of New Jersey with its principal place of business located at 400 Brighton Road, Clifton, New Jersey 07012.

4. Incredible Solutions, Inc. is a corporation organized and existing under the laws of the State of Ohio with its principal place of business located at 1052 Mahoning Avenue NW, Warren, Ohio 44483.

### **VENUE**

5. Venue over this action is proper in this Court pursuant to 28 U.S.C. § 1391(b) because this judicial district is a judicial district in which a substantial part of the events giving rise to the claims asserted herein occurred, because Incredible Solutions, Inc. is subject to personal jurisdiction and therefore resides within this judicial district and because Incredible Solutions, Inc. has committed acts of patent infringement in this district.

### **PATENT NO. 9,004,282**

6. On April 14, 2015, United States Patent No. 9,004,282 (the “282 Patent”) was duly and validly issued to William Van Ness, for a Food Storage Bin. A true and correct copy of the ‘282 Patent is attached to the Complaint as Exhibit A” and is incorporated herein by this reference.

7. Through a June 9, 2015 assignment from William Van Ness to Van Ness Plastic Molding Company Inc., Van Ness Plastic Molding Company Inc. is the owner of the ‘282

Patent. The '282 Patent is currently subsisting and Van Ness is the real party-in-interest with the right to seek the relief requested in this Complaint.

**COUNT ONE**  
**INFRINGEMENT OF THE '282 PATENT**

8. The allegations of Paragraphs 1 through 7 are incorporated herein by reference.

9. Incredible Solutions, Inc., without authorization from Van Ness, has been and is engaged in making and/or importing into the United States and offering for sale and selling in this judicial district and elsewhere, infringing products, including a food storage container which it sells under the name "Incredible Pets" pet food container, images of which are attached hereto as "Exhibit B," which is incorporated herein by reference.

10. Incredible Solutions, Inc., in this judicial district and elsewhere in the United States, is offering for sale and selling the "Incredible Pets" pet food container which infringes the inventions set forth in one or more claims of the '282 Patent, and/or is contributing and/or is actively inducing the making, offering for sale, selling and/or use of products which infringe the inventions of one or more of the claims of the '282 Patent in violation of 35 U.S.C. §§ 271(a), 271(b) and/or 271 (c).

11. The infringement of the '282 Patent by Incredible Solutions, Inc. has been willful and deliberate and in conscious disregard of Van Ness' rights.

12. As a consequence of the foregoing, Incredible Solutions, Inc. has caused and is continuing to cause damage to Van Ness and, unless such acts are enjoined by this Court, Incredible Solutions, Inc. will continue to cause irreparable harm to Van Ness for which there is no adequate remedy at law and for which Van Ness is entitled to injunctive relief under 35 U.S.C. § 283.

**RELIEF REQUESTED**

WHEREFORE, Van Ness prays for relief as follows:

- A. That the Court adjudge that Incredible Solutions, Inc. has infringed one or more of the claims of the '282 Patent;
- B. That the Court adjudges that the infringement by Incredible Solutions, Inc. has been willful;
- C. That the Court award Van Ness its damages in accordance with 35 U.S.C. § 284, and increase those damages up to three times by reason of the willful infringement;
- D. That the Court award Van Ness its costs in connection with this action;
- E. That the Court declare this to be an "exceptional" case within the meaning of 35 U.S.C. § 285, and award Van Ness its reasonable attorney's fees, expenses and costs of this action;
- F. That the Court enjoin Van Ness and its officers, agents, servants, employees, attorneys and those persons in active concert with or participation with them who receive actual notice hereof by personal service or otherwise from committing further acts of infringement of the '282 Patent.
- G. That the Court award Van Ness such other and further relief as the Court deems just and proper.

**DEMAND FOR TRIAL BY JURY**

Plaintiff Van Ness Plastic Molding Co., Inc. demands a trial by jury on all causes of action asserted herein.

DATED: July 2, 2015

s/ David M. Kohane

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